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The Hunting Bill – version 4

Below is our guide to the Hunting Bill, we have put it into a 'readable' format, it omits some of the clauses so some numbers may be missing however it contains all the relevant details.

(It includes all changes made in the first committee stage, the report stage on Monday 30th June 2003, the second committee stage (completed on Friday 4th July 2003), and the second report stage on Wednesday 9th July 2003 – and represents the bill as it left the House of Commons for the House of Lords.)

European convention on human rights

The Lord Whitty has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Hunting Bill are compatible with the Convention rights.

A BILL

To make provision about hunting wild mammals with dogs; to prohibit hare coursing; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part 1. Offences

1. Hunting wild mammals with dogs

It is illegal to hunt a wild mammal with dogs unless your hunting is exempt.

2. Exempt Hunting

Some types of hunting are exempt from registration (these are listed in Schedule 1); the secretary of state can amend the class of exempt hunting.

3. Assisting Hunting

It is illegal to permit your land to be used for illegal hunting; it is also illegal to allow your animals to take part in illegal hunting.

4. Hunting: defence

If you can reasonably prove that you thought the hunt was exempt, and you allowed your animals or land to be used, you can be spared prosecution.

5. Hare Coursing

A Hare Coursing event is 'a competition in which dogs are, by the use of live hares, assessed as to their skill in hunting hares. 'It is illegal to take part in hare coursing, to attend a hare coursing event, to knowingly allow a hare coursing event to take part on your land, or to give permission for it to take part on your land. It is also illegal if you enter a dog into a Hare Coursing event, allow your dog to be entered or if you control or handle a dog for the purpose of an event.

Part 2. Enforcement

6. Penalty

Anyone found guilty of an offence under the Bill is liable, on conviction, of a fine not exceeding £5000, but not imprisonment.

7. Arrest

This simply gives the power to a police officer to arrest anyone suspected of illegal hunting.

8. Search and Seizure

Police can search and detain you, your vehicle(s) or your animal(s) if they suspect they hold evidence. They can do this without a warrant and can enter land and any premises (except a dwelling), to do it.

9. Forfeiture

This gives courts the power to order forfeiture of a dog or any hunting animal used in hunting or on your possession at the time of your arrest. A vehicle can be seized if you were using it to hunt illegally. Someone, other than yourself who 'has an interest' in either a vehicle, animal or other article can claim them back from forfeiture.

10. Offence by a corporate body

This states that a corporate body can be found guilty for illegal hunting.

Part 4. General

11. Interpretation

This clause is designed to define some of the terms:

- 'Wild mammal' includes a wild mammal bred or tamed for any purpose, including those in captivity or confinement, and those which have escaped or been released from captivity or confinement and any mammal living in the wild.
- 'Hunting a wild mammal' includes pursuing a wild mammal, where one or more dogs are involved in that pursuit, whether they are under your control or not.
- Land belongs to a person if they own an interest in it; manage or control it; or occupy it.
- A dog belongs to a person if they own it; are in charge of it; or have control of it.

12. Crown Application

The law applies to crown land.

16. /17. Short Title & Extent

This law 'will be' known as the Hunting Act 2003 and only applies to England & Wales.

Schedules

Schedule 1. Exempt Hunting

- Stalking & Flushing Out, as long as the following conditions are met: it is done to prevent damage to those things listed in Schedule 1.2, if it is done to obtain meat for human or other animal consumption, or for participation in a field trial (see Schedule 1.3). Flushing/Stalking must take place on land that is either owned or belongs to the person doing it, or on land that he has been given permission to use for it. You cannot use more than two dogs, and they cannot go below ground. You must ensure that as soon as possible after the animal is found, that you 'competently' shoot it.
- Protection of birds for shooting, dogs can be used underground in the course of stalking or flushing out to protect such birds. For some reason you must carry proof on you that the land you are using belongs to you or that you have permission to be on it. You must, when asked by the police, show the evidence immediately.

The following four exemptions can take place as long as it is on your land, or on land that you have permission to enter:

- Ratting
- Rabbiting
- Retrieval of hares that have been shot
- Falconry
- Recapture of a wild animal, you must shoot it or recapture it as soon as you find it.
- Rescue of a wild animal, as long as the following conditions are met: you believe the wild mammal is either diseased or injured; that you hunt the mammal to relieve it of its suffering or to treat its disease; the regular land issues; that, as soon as you find the animal it must be shot or treated; and you cannot harm an animal to hunt it.
- Research and Observation, you can hunt a wild mammal if you are observing or studying that wild mammal.

Schedule 1.2. Reasons for exempt hunting

Reasons for exempt hunting include prevention of serious damage to: Livestock, game birds (with limits), food for livestock, crops (including fruit & veg.), growing timber, fisheries, other property, or the 'biological diversity of an area' (within the meaning of the United Nations Environmental Programme Convention on Biological Diversity of 1992).

Schedule 1.3. Participation in a field trial

A field trial is "a competition (other than hare coursing event as defined in section 5) in which dogs: a) flush animals out of cover or retrieve animals that have been shot (or both), and b) are assessed to their likely usefulness in connection with shooting."

Schedule 2. Consequential Amendments

- Paragraph 1 amends the Game Licences Act 1831 Section 5. The following words shall cease to have effect: "to any person hunting or coursing upon any lands with hounds or greyhounds, and being in fresh pursuit of any deer, hare or fox already started upon any other land, nor".
- Paragraph 2 amends the Game Licences Act 1860 Section 5. It removes the exceptions concerning deer and hare hunting by dogs and hare coursing.
- Paragraph 3 amends the Protection of Animals Act 1911, Section 1(1) of that Act creates an offence of treating an animal cruelly or causing an animal unnecessary suffering, but section 1(3)(b) provides for an exception for the hunting or coursing of a captive animal. This does not apply to hare coursing or coursing or hunting of a wild mammal.
- Paragraph 4 amends the Protection of Badgers Act 1992, Section 3 currently makes it an offence to interfere with badger setts and section 8(4) to (9) provides an exception to the offence by allowing for the obstruction of a badger sett entrance for the purpose of hunting foxes with hounds provided certain conditions are met. The amendment removes this exception.
- Paragraph 5 amends the Wild Mammals (Protection) Act 1996, currently Section 1 makes it an offence to do certain acts (such as mutilating, kicking and beating) to a wild mammal with intent to inflict unnecessary suffering. Section 2(a), (b) & (d) provides exceptions from this offence in relation to certain acts concerning lawful hunting and coursing, the amendment changes this to state that the hunting of a wild mammal with a dog shall be treated as lawful only if it is exempt hunting within the meaning of the Bill.

This amendment means that the only acts during registered or exempt hunting excepted from the offence in section 1 of the Wild Mammals (Protection) Act 1996 are the attempted mercy killing or the killing in a reasonably swift and humane manner of a wild mammal injured or taken in the hunting and acts done by dogs. No other acts involved in hunting with dogs or hare coursing will be excepted from the offence.

The Commons Committee Amendments

Below are the amendments to the bill that were made during the Commons Committee stage.

Key amendments

Clause 1/8 - Pest control

This amendment makes it clear that registration under the utility test is only possible for pest control.

Clause 8 - Cruelty Test

Strengthens the test to ensure registration is only possible for fox hunting where it is the least cruel method of pest control.

New Clause - Hare Hunting

This amendment bans the registration of hare hunting.

New Clause - Terrierwork

This amendment bans registration of hunting involving the use of dogs underground.

Other amendments that promote animal welfare

Schedule 2 - Tribunal members

This amendment clarifies that the tribunal panel must be balanced.

Clause 16 - Renewal

This amendment prevents new applications being considered until 12 months after the previous one was rejected.

Clause 17, 28, 32, 33 - Disqualifying Offences

This amendment adds to the list of offences for which conviction leads to disqualification of being registered for hunting.

Clause 17, 18, 19 - Conditions

This gives the registrar the power to impose conditions on registrations and the right of appeal against conditions.

Clause 24, 25 - Length of registration

This gives the registrar the discretion to grant a licence for less than 3 years.

Other amendments

Clause 8 - Wild Birds

This amendment adds 'prevention of wild birds' to the list of purposes for which hunting may be registered

Clause 13, 14 25 - Age of Applicant

The age for licence application is reduced from 18 to 16.

The Report Stage Amendments (made on Monday, 30th June 2003)

Below are the amendments to the bill that were made during the Commons Report stage.

Key amendments

New Clause 6 - Foxes

The registration of fox hunts is not permitted therefore fox hunts are illegal.

New Clause 7 - Mink

The registration of mink hunts is not permitted therefore mink hunts are illegal.

The Second Committee Stage (completed on Friday, 4th July 2003)

Below are the changes to the bill that were made during the second committee stage to 'tidy up' the bill.

The main change made was to remove all references to the registration.

Removal of references to the registration of hunting

Now that all hunting of wild mammals is banned, this change leaves out all references to the registration of hunting, the registrar and the tribunal.

Other amendments

Addition to *the now* Schedule 1 (Exempt Hunting)

You can stalk / flush out for the purpose of the protection of birds for shooting.

Amendment to *the now* Schedule 1 (Exempt Hunting: Stalking / Flushing Out)

Further additions are made to ensure that this method is carried out humanely.

The Second Report Stage (completed on Wednesday, 9th July 2003)

Below are the changes to the bill that were made during the second report stage.

The main change made was to remove all references to the registration.

Addition to Schedule 1

You can stalk / flush out for the purpose of participation in field trial. See below.

Addition to Schedule 1 of 1.3

This defines a field trial.

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Sources used in the writing of the document

- Defra News Release: 'Hunting Bill Strengthened and clarified in committee - Michael'
- UK Parliament web site: 'The Hunting Bill' & 'The Explanatory Notes'
- Countryside Alliance web site